

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JUAN SALINAS BAUTISTA,)
) CASE NO. C11-1978-RSL
Petitioner,) (CR-08-82-RSL)
)
v.)
) ORDER ADOPTING REPORT AND
UNITED STATES OF AMERICA,) RECOMMENDATION AND
) GRANTING PETITIONER'S 28 U.S.C.
Respondent.) § 2255 MOTION
)

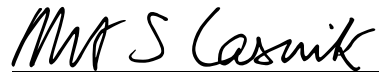
The Court, after careful consideration of petitioner's 28 U.S.C. § 2255 motion for writ of habeas corpus, the Report and Recommendation of the Honorable Mary Alice Theiler, the evidentiary hearing transcript, the parties' post-hearing memoranda, the governing authorities and the balance of the record, does hereby find and **ORDER:**

- (1) The Report and Recommendation is **ADOPTED**;
- (2) Habeas relief on the basis of **ground 4** (ineffective assistance – safety valve) is **GRANTED**;
- (3) Petitioner's **ground 5** (ineffective assistance - plea agreement) is **DISMISSED** as voluntarily withdrawn;

01 (4) The parties are **DIRECTED** to contact Kerry Simonds at (206) 370-8519 to
02 schedule a sentencing proceeding at which petitioner may make a safety-valve
03 proffer and assert entitlement to a safety-valve adjustment pursuant to U.S.S.G.
04 § 5C1.2 in the underlying criminal matter CR08-82-RSL; and

05 (5) The Clerk is directed to send copies of this Order to all counsel of record and to
06 Judge Theiler.

07 DATED this 5th day of February, 2014.

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10 Robert S. Lasnik
11 United States District Judge
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